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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,027	12/15/2003	Michael Guest	2651-262-1	5583
22442	7590	10/05/2006	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			HUSBAND, SARAH E	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/737,027

Applicant(s)

GUEST ET AL.

Examiner

Sarah E. Husband

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,20-23 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,20-23,25-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-3, 20-23, and 25-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 20, 21, 27-32 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoenisch (US Patent No. 6,571,805) in view of Kasen (US Patent App. Pub. 2001/0002500) and further in view of Russell (US Patent No. 4,773,113) and Todden (US Patent No. 5,620,309).

Hoenisch discloses a fluid tank having a fluid inlet and outlet (Fig. 3, Item 17 or col. 2, ll. 51-55), a main pump with an inlet and outlet, which transfers fluid through the pump outlet into a high-pressure fluid delivery line (Fig. 3, Item 13), a mixing member having at least two fluid inlets and at least one fluid outlet (Fig. 3, Item 19), a selector having at least two fluid inlets and one fluid outlet (Fig. 2, Item 21), at least a first fluid receptacle and a second fluid receptacle, wherein said receptacles are in fluid communication with the at least two fluid inlets of the selector (Fig. 2, Items C1-C4), a first fluid delivery line in communication with the fluid outlet of the selector and a second fluid inlet of the mixing

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member, a second fluid line in communication with the fluid outlet of the selector and the inlet of the mixing member, a third fluid delivery line in communication with the fluid outlet of the mixing member, and in communication with the inlet of the main pump (Fig. 3).

Although some of the fluid lines are arranged differently, the result is the same in that the mixed fluid is transported to the fluid dispersion device and the courts have ruled that the rearrangement of parts is obvious (*In re Japikse*, 86 USPQ 70). Hoenisch also discloses a fluid dispersion device, adapted to selectively disperse high-pressure fluid received from a high-pressure hose and the device having a trigger (Fig. 1-3, Item 29).

Hoenisch does not specifically disclose a secondary solenoid pump or the pump operated by a switch. Hoenisch also does not disclose the bypass line in communication with the outlet of the main pump. Kasen discloses the priming valve (secondary pump) in communication with the tank and with the third fluid delivery line introducing fluid to the main pump, thereby displacing trapped gas (para. 73). Although Kasen does not specifically state that the means is a pump, the structure disclosed by Kasen provides the same function and would be considered a pump because it moves fluid. Kasen discloses a pump controlled by a switch (para. 44). This switch would control the associated steps to the pumping process and therefore the secondary pump which would be operated prior to the main pump because the pump should be primed before being operated as Kasen discloses. Russell discloses a bypass line in communication with the outlet of the pump (Fig. 4A, Item 70; col. 5). Todden discloses that the priming means can be a pump of the electrical solenoid type (col. 2, ll. 25-30). At the time of the invention, it would have been obvious to one of

ordinary skill in the art to modify the structure disclosed by Hoenisch with a secondary solenoid pump in order to prime the pump as disclosed by Kasen and Todden, a switch for the benefit of easily controlling and properly operating the pump and cleaning apparatus, and also a bypass line which would compensate for excess pressure.

Claim 23, 25, 26 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoenisch, Kasen, Todden and Russell as applied to claims 1-3, 20, 21, 27-32 and 38 above, and further in view of Williams (US Patent No. 5,221,026).

Hoenisch, Kasen, Todden and Russell disclose the apparatus as shown above in the 103(a) rejection. Hoenisch, Kasen, Todden and Russell do not specifically disclose a gas bleed valve, however, Hoenisch does disclose having a vent in order to release air from the pump system. Williams discloses using a gas bleed valve to get rid of air in the system (col. 5, ll. 16-18). It is also common in the art to use manual or controlled valves and it would have been obvious to modify the structure accordingly. At the time of the invention, it would have been obvious to modify the structure shown by Hoenisch, Kasen, Todden and Russell with an air bleed valve in order to remove air from the pump system.

Claims 22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoenisch, Kasen, Todden and Russell as applied to claims 1-3, 20, 21, 27-32 and 38 above, and further in view of Field (US Patent No. 6,705,332).

Hoenisch, Kasen, Todden and Russell disclose the apparatus shown above in the first 103(a) rejection but they do not disclose a check valve associated with the pump. Field discloses the check valve (Fig. 3, Item 76). At the time of the invention, it would have been

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obvious to one of ordinary skill in the art to modify the pump system disclosed by Hoenisch, Kasen, Todden and Russell with a check valve in order to ensure the proper operation of the pump.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SEH



MICHAEL BARR
SUPERVISORY PATENT EXAMINER